

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-207879

DATE: July 12, 1982

MATTER OF: Apex International Management Services, Inc.

DIGEST:

When available administrative review process has not been exhausted, GAO will not consider a protest based on contracting agency's alleged failure to consider discount in comparing bid prices with cost of performing in-house.

Apex International Management Services, Inc. protests the Army's failure to consider its discount in comparing bid prices for laundry services at Fort Hood, Texas, under solicitation No. DAKF48-82-B-0071, with the cost of performing in-house. Because the firm failed to exhaust available administrative review procedures, we dismiss the protest.

Office of Management and Budget Circular No. A-76 and Defense Acquisition Regulation (DAR) Part 12 (Defense Acquisition Circular 76-28, July 15, 1981) express a general policy that the Government should rely on private commercial sources when it is more economical to do so. Agencies contracting for commercial and industrial-type products and services are directed to prepare in-house cost estimates and to compare these with the cost of performance by potentially successful bidders and offerors. DAR § 4-1202.4(c) provides a procedure under which affected parties may file written requests for review of questions concerning the calculation of these cost comparisons.

When such administrative review procedures are available, we will not consider protests concerning cost comparisons unless the procedures have been exhausted. See Direct Delivery Systems, 59 Comp. Gen. 465 (1980), 80-1 CPD 343; Dyneteria, Inc., B-205487, June 1, 1982, 82-1 CPD ____.

In this case, the Army informally advises us that bid opening was on April 30, and that Apex had a 15-day public

review period, from May 5 to 20, in which to review the cost comparison data and to file any objections with the contracting officer. The firm did not do so; instead it filed only a Freedom of Information Act request, seeking additional information which had not been available at opening.

In view of this failure to exhaust its available administrative remedies, we dismiss Apex's protest. See Urban Enterprises, B-201619, February 17, 1981, 81-1 CPD 101.

Harry R. Van Cleve
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Acting General Counsel